



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Building & Safety Division


Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone 707/263-2382 FAX 707/263-2225

MEMO

TO: Board of Supervisors

FROM: Robert Massarelli, Community Development Director 
By: Michael Penhall, Code Enforcement Officer

SUBJECT: Nuisance Abatement Hearing Request for Valdivia
July 18, 2017 BOS Agenda, at 9:45 A.M.

DATE: June 21, 2017

SUMMARY

On June 19, 2017, Community Development staff received a Nuisance Abatement Hearing Request Form from the property owner representative Marc Valdivia; *see Attachment 1*. The Hearing Request form listed the reasons why Mr. Valdivia believes the property should not be considered a public nuisance. The Hearing Request was received due to a Notice of Nuisance and Order to Abate; *see Attachment 2*, being issued and a copy sent certified mail to the property owner of record.

On May 31, 2017, Code Enforcement staff conducted a site visit at the property located at; **3260 Klein Street, Nice CA**. Upon arriving at the property, property owner Valdivia was present at the site. Contact was made with her and she was informed by Code Enforcement Officer Michael Penhall that it was against County ordinance to camp, to have any open and outdoor storage and a shed without a primary residence on a vacant parcel. After speaking with Ms. Valdivia, a Notice of Nuisance and Order to Abate was prepared and a copy provided to her there at the property.

This referenced property is .087 acres, zoned "RR" with **NO** permitted primary residence. As of this date, per Community Development Department records, there have are no permits applied for or obtained for this property; *see Attachment 3*. The Lake County Zoning Ordinance; Chapter 21, Section 2.6; Chapter 21, Section 3.8 (a); Chapter 21, Section 41.12 and California Health and Safety Code; Section 17920.3 does not allow for camping and open and outdoor storage on a vacant parcel.

RECOMMENDATION

Code Enforcement Staff recommends that the Board uphold the Notice of Nuisance and Order to Abate dated May 31, 2017 and authorize staff to move forward with the abatement process and remove and dispose of any/all open and outdoor storage located on aforementioned property.



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RECEIVED

JUN 19 2017

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

**NUISANCE ABATEMENT HEARING REQUEST FORM
TO BOARD OF SUPERVISORS**

Pursuant to Section 13-7 of the Lake County Code

Date Request for Hearing Form Submitted: June 8, 2017

Site Address: 3260 KLEIN STREET NICE

Assessor's Parcel Number: 030-025-07

Property Owner's Name: Maria Valdivia

Mailing Address: P.O. BOX 1524 NICE CA 95464

Phone #: 916-384-5435

Tenant's or Representative's Name (If applicable) Marc Valdivia

Mailing Address: ~~PO~~ PO BOX 1524 NICE Phone #: 707-205-9380
95464

Reason(s) why the property should not be considered a public nuisance: (Attach extra sheets if necessary)

We are building a home on our land.
We have paid for a soil pit test which we
are now waiting for. We need our shed to keep our
building tools & materials secure. after the approval
of the soil test is confirmed, we will get a building
permit along with a special permit for my shed temporary
Everything on my land is cleaned up, grass cut,
and we have proof of maintenance program.

Marc Valdivia
Signature

FOR OFFICE USE ONLY

Case Number: _____

Date Received: _____

Received By: _____

Attachment 1 page 1 of 1

NOTICE OF NUISANCE & ORDER TO ABATE

Hand
del to
PO -
12:35P

PURSUANT TO LAKE COUNTY CODE, CHAPTER 13, Sections 13-6 ET. SEQ.

TBD.
A. CASE NUMBER: 17-00155 ASSESSORS PARCEL NUMBER: D30-025-07
OWNER(S) NAME: MARIA VALDIVIA
SITE ADDRESS: 3260 KLEIN ST NICE CA
MAILING ADDRESS: PO BOX 1524 NICE CA 95464

B. CONDITION(S) CAUSING NUISANCE:

- ☒ Open and outdoor storage of junk, and/or household garbage in violation of Sections 21-2.6, 21-3.8(a) and 21-41.12 of the Lake County Zoning Ordinance. CAMPING ON VACANT LOT
- ☐ Failure to properly dispose of trash in accordance with Chapter 13, Section 13-11 of the Lake County Code.
- ☐ Failure to remove or maintain weeds in accordance with Chapter 13, Section 13-10 of the Lake County Code.
- ☐ Open and outdoor storage of inoperable vehicles in violation of Sections 21-2.6, 21-3.8(a) and 21-41.12 of the Lake County Zoning Ordinance.
- ☐ Storage of boat or recreational vehicle in road right-of-way in violation of 21-68.4(a)6 of the Lake County Zoning Ordinance.
- ☒ Substandard dwelling in violation of Section 17920.3 of the California Health and Safety Code. CAMPING ON VACANT LOT
- ☐ Unpermitted construction of _____ in violation of Section 105.1 of the 2013 California Building Code.

On 5/31 2017 your property was found by Enforcement Officials to contain the above specified violation(s) of the Lake County Code and/or California Building Code. This constitutes a public nuisance in accordance with Chapter 13, Section 3.1(e) of the Lake County Code (Uniform Abatement of Public Nuisances Code).

C. ORDER IS GIVEN TO COMPLETE ABATEMENT OF SAID NUISANCE WITHIN 30 DAYS (7/1/17) AND CORRECT THE NUISANCE CONDITIONS DESCRIBED ABOVE. PLEASE IMMEDIATELY CONTACT THE LAKE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT AT 707-263-2309 FOR FURTHER INFORMATION AND TO DISCUSS ANY POTENTIAL PERMIT OPTIONS TO ADDRESS THESE NUISANCE CONDITIONS.

M. Peralta #10125
COMMUNITY DEVELOPMENT DEPARTMENT
STATE OF CALIFORNIA, COUNTY OF LAKE

DATED: 5/31/17

SEE REVERSE SIDE

ATTACHMENT 2 PAGE 1 of 2

- D. PURSUANT TO CHAPTER 13 OF THE LAKE COUNTY CODE, SECTION 13-7, YOU ARE HEREBY NOTIFIED THAT IF YOU WISH TO SHOW ANY CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS A PUBLIC NUISANCE BY THE ENFORCEMENT OFFICIAL, YOU MUST REQUEST A PUBLIC HEARING BEFORE THE LAKE COUNTY BOARD OF SUPERVISORS BY COMPLETING A NUISANCE ABATEMENT HEARING REQUEST FORM. SAID FORM IS AVAILABLE AT THE COMMUNITY DEVELOPMENT DEPARTMENT (LOCATED AT 255 N. FORBES STREET, LAKEPORT) AND MUST BE FILED WITHIN 21 DAYS OF SERVICE OF THE NOTICE OF NUISANCE AND ORDER TO ABATE. IF YOU FAIL TO REQUEST A NUISANCE ABATEMENT HEARING, ALL RIGHTS TO APPEAL ANY ACTION OF THE COUNTY TO ABATE THE NUISANCE WILL BE WAIVED.
- E. PURSUANT TO CHAPTER 13 OF THE LAKE COUNTY CODE, IF YOU FAIL TO CORRECT THE NUISANCE CONDITIONS BY THE DATE SPECIFIED IN SECTION C OF THIS NOTICE AND ORDER OR ANY SUBSEQUENT TIME EXTENSION GRANTED BY THE ENFORCEMENT OFFICIAL, AND/OR FAIL TO SUCCESSFULLY SHOW CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS SPECIFIED IN SECTION D OF THIS NOTICE, THE ENFORCEMENT OFFICIAL MAY RECORD THIS NOTICE AND ORDER AND MAY ABATE THE PUBLIC NUISANCE. THE COSTS OF SAID ABATEMENT WILL BE RECOVERED BY ONE OR MORE OF THE FOLLOWING MEANS:
- 1) A CHARGE AGAINST THE PREMISES WITH THOSE COSTS MADE A SPECIAL ASSESSMENT AGAINST THE PREMISES. SAID SPECIAL ASSESSMENT MAY BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS IS PROVIDED FOR THE COLLECTION OF ORDINARY COUNTY TAXES, AND SHALL BE SUBJECT TO THE SAME PENALTIES, INTEREST AND TO THE SAME PROCEDURES OF FORECLOSURE AND SALE IN THE CASE OF DELINQUENCY AS IS PROVIDED FOR ORDINARY COUNTY TAXES.
 - 2) PAID THROUGH A CODE ENFORCEMENT DEBT REDUCTION AGREEMENT THAT HAS BEEN NEGOTIATED WITH THE LAKE COUNTY TREASURER – TAX COLLECTOR.
 - 3) REFERRED TO A DEBT COLLECTION AGENCY LICENSED BY THE STATE OF CALIFORNIA IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 26220(a).



Attachment 2 page 2 of 2

Parcel	Number	Type	Sub Type	Level	Date	Status	Name	Location

Total Rows: 1

ATTACHMENT 3 PAGE 1 of 1